

CIVIL NO. 1:09CV72

Defendants.

Counsel advises that exhaustion of the Petitioner's state court claims remain incomplete at this time, the North Carolina Supreme Court has not yet issued a ruling on the Petitioner's petition for a writ of certiorari which was filed February 11, 2009. **Petitioner's Motion, at 1.** The Court will grant the Petitioner's motion and also direct the Clerk to administratively close the case, thereby removing it from the Court's active docket.

IT IS, THEREFORE, ORDERED that Petitioner's motion to hold this proceeding in abeyance is **ALLOWED**.

IT IS FURTHER ORDERED that counsel for the Petitioner file a report with the Court providing the status of the collateral proceedings that remain pending in the state courts every 60 days beginning **MAY 1, 2009**.

The Clerk is directed to administratively close this action and remove it from the Court's active docket. Upon receipt of a final ruling from the state courts, Petitioner's counsel may move to reopen this action.

Signed: April 3, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

